

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division**

PATRICK AND JEANNE STILLMOCK,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

WEIS MARKETS, INC. and DOES 1-10

Defendants.

CLASS ACTION

NO. 1:07-cv-01342-MJG

JENNY BARNSTEIN,
on behalf of herself and all others
similarly situated,

Plaintiffs,

v.

WEIS MARKETS, INC.

Defendant.


CLASS ACTION

NO. 1:07-cv-1466-MJG

DEFENDANT'S NOTICE OF CONSTITUTIONAL QUESTION

Pursuant to Rule 5.1 of the Federal Rules of Civil Procedure, Weis Markets, Inc. ("Weis Markets") hereby gives notice of a constitutional question raised by its Opposition to Plaintiffs' Class Certification Motion. In particular, Weis Markets asserts that the damages provision applicable to the Fair and Accurate Credit Transactions Act, 15 U.S.C. § 1681n, is unconstitutional as applied to any class action because (1) it constitutes a penalty that is grossly disproportionate to the harm alleged; (2) it allows for impermissible double damages for the same proscribed conduct; (3) is unconstitutionally vague; and (4) constitutes an excessive fine in

violation of the Eighth Amendment. As required by Fed. R. Civ. P. 5.1, Weis Markets is concurrently serving a copy of this Notice along with a copy of its Opposition to Plaintiffs' Class Certification Motion upon the Attorney General of the United States.



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Dated: August 26, 2008

CERTIFICATE OF SERVICE

I, Gerard J. Gaeng, Esquire, do hereby certify that on August 26, 2008, I caused a true and correct copy of Defendant Weis Markets, Inc.'s Notice of Constitutional Question to be served upon the following:

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